

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Teddy Scott on July 28, 2009.

The application has been amended as follows:

1) Claims 21 and 23 filed on February 13, 2009 are amended as following:

Claims 21 and 23, line 2 reciting "is selected from the group consisting of:" is deleted and replaced with "consists of:". Thus, as newly amended, claims 21 and 23 recite the following in lines 1-2: "An isolated nucleic acid, wherein the sequence of the nucleic acid consists of:".

Claims 21 and 23, line 4 reciting "and" is deleted and replaced with "or". Thus, as newly amended, claims 21 and 23, line 4 recites "(b) an RNA encoded by the nucleic acid of (a); or".

2) Claim 35 filed on February 13, 2009 is amended as following:

Claim language reciting "a heterologous sequence, wherein the heterologous sequence consists of the sequence of" is inserted between "comprising" and "the". Thus, as newly amended, claim 35 recites "A vector comprising a heterologous sequence, wherein the heterologous sequence consists of the sequence of the nucleic acid of claim 21."

3) Claim 41 filed on February 13, 2009 is amended as following:

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Claim language reciting “a heterologous sequence, wherein the heterologous sequence consists of the sequence of” is inserted between "comprising" and "the". Thus, as newly amended, claim 41 recites “A probe comprising a heterologous sequence, wherein the heterologous sequence consists of the sequence of the nucleic acid of claim 21.”

4) The title of the instant application is changed from “Bioinformatically detectable group of novel vaccinia regulatory genes and uses thereof” to “Vaccinia virus-related nucleic acids and microRNA”.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on April 23, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10/536,560 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Conclusion***

Claims 21, 23, 35, 36, 41, and 42 are allowed.

Claims 21, 23, 35, and 41 are amended.

The title of this application is amended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA SHIN whose telephone number is (571)272-8008. The examiner can normally be reached on Monday through Friday, 7am-3:30pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dana Shin  
Examiner  
Art Unit 1635

/J. E. Angell/  
Primary Examiner, Art Unit 1635